

### RELATIVE TO CERTAIN ROAD BONDS

The Speaker laid before the House, for consideration at this time,

Senate Concurrent Resolution No. 4, Relative to certain road bonds.

The resolution having heretofore been read second time and referred to the Committee on Highways and Motor Traffic.

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

On motion of Mr. Jones of Falls, the resolution was recommitted to the Committee on Highways and Motor Traffic.

### MESSAGE FROM THE SENATE

Austin, Texas, October 6, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 2, Granting Mrs. Annie Allison permission to bring suit against the State of Texas.

H. C. R. No. 3, Granting E. A. Schlick, et al., permission to sue the State of Texas and the State Highway Commission.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

### HOUSE BILL NO. 5 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 5, A bill to be entitled "An Act making an appropriation; directing the State Treasury to transfer certain funds in the permanent Old Age Pension Fund to the Texas Old Age Assistance Fund; authorizing the sale of securities held by the permanent Old Age Pension Fund, and declaring an emergency."

The bill was read second time.

### RECESS

On motion of Mr. Wells, the House at 12 o'clock m., took recess to 2:30 o'clock p. m., today.

### AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

### HOUSE BILL NO. 5 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 5, to make certain appropriation in regard to the Texas Old Age Assistance Fund.

The bill having been read second time on this morning.

By unanimous consent of the House, Mr. Keefe was authorized to withdraw House Bill No. 5 from further consideration by the House at this time.

### ADJOURNMENT

On motion of Mr. Reader, the House at 2:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

### STANDING COMMITTEE REPORTS

The Committee on Revenue and Taxation filed a favorable report on House Bill No. 8.

The Committee on State Affairs filed favorable reports on House Concurrent Resolutions Nos. 5, 6, 9, 10, 11, and Senate Concurrent Resolution No. 5.

The Committee on Revenue and Taxation filed adverse reports with minority favorable reports on House Bills Nos. 3 and 28.

### EIGHTH DAY

(Wednesday, October 7, 1936)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Ash
Adamson	Atchison
Adkins	Bergman
Aikin	Bourne
Alexander	Bradbury
Alsup	Bradford



Bridgers	Jones of Atascosa
Broadfoot	Jones of Falls
Broyles	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Butler of Karnes	King
Cagle	Knetsch
Caldwell	Lanning
Calvert	Latham
Canon	Leath
Celaya	Lemens
Collins	Lindsey
Colquitt	Lotief
Cooper	Lucas
Cowley	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McFarland
Davison of Fisher	McKinney
Davisson	Moffett
of Eastland	Moore
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Dunlap of Kleberg	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Fox	Pope
Frazier	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Good	Riddle
Graves	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Harper	Russell
Harris of Archer	Rutta
Harris of Dallas	Settle
Hartzog	Smith
Head	Spears
Herzik	Stanfield
Hill	Steward
Hodges	Stinson
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Huddleston	Tillery
Hunt	Venable
Hunter	Waggoner
Hyder	Walker
Jackson	Wells
James	Westfall
Jefferson	Wood of Harrison

Wood of Montague	Young
Worley	Youngblood

Absent

Colson	Scarborough
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Absent—Excused

Ford	Padgett
Lange	Sessions
Leonard	Shofner
McKee	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain,  
offered the following invocation:

"Almighty God, it is written in Thy word that 'except the Lord build the house, they labor in vain that build it'. So lead this entire legislature that our work shall be permanently good, and that in time to come we may recognize Thy guiding hand as we now build for the good of our people. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Ford for today, on motion of Mr. Jones of Falls.

Mr. Lange for today, on motion of Mr. Walker.

Mr. Stanfield for today, on motion of Mr. England.

Mr. Shofner for today, on motion of Mr. Tennyson.

The following Members were granted leaves of absence on account of illness:

Mr. Sessions for today and tomorrow, on account of illness in his family, on motion of Mr. Fisher.

Mr. McKee for today, on motion of Mr. Hoskins.

## RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled resolution:

Senate Concurrent Resolution No. 3, Providing for a Joint Session of the House and Senate to hear address by Paul Whiteman.



## MESSAGE FROM THE SENATE

Austin, Texas, October 7, 1936.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to  
inform the House the Senate has  
passed the following:

S. C. R. No. 6, Granting Tom S.  
Mann permission to sue the State.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

IN COMMITTEE OF THE WHOLE  
HOUSE

(Mr. Latham in the Chair.)

At 10:10 o'clock a. m., Mr. McKinney  
moved that the House resolve itself  
into a Committee of the Whole House,  
for the purpose of considering recom-  
mendations in regard to the investiga-  
tions heretofore made concerning Old  
Age Pension matters.

The motion prevailed.

The House accordingly, at 10:10  
o'clock a. m., resolved itself into a  
Committee of the Whole House.

## IN THE HOUSE

(Mr. Latham in the Chair.)

At 12:10 o'clock p. m., Mr. Reader  
moved that the Committee of the  
Whole House rise, report progress and  
asked leave of the House to sit again  
at 2:00 o'clock p. m., today.

The motion prevailed.

The following proceedings were re-  
ported:

Mr. McKinney, Chairman, submitted  
the following recommendation, on the  
part of the Board of Managers:

Austin, Texas.

To the House of Representatives, 44th  
Texas Legislature.

The Committee of the Whole House,  
constituted under the terms of H. S. R.  
six to inquire into the Old Age As-  
sistance situation, begs leave to pre-  
sent the following report:

"This inquiry was undertaken for the  
sole purpose of securing information  
upon the problem with which this, the  
Third Called Session, must deal in  
financing Old Age Assistance. It was  
not designed to reflect upon any person  
or to provide a basis for any accusa-  
tion or charge. The committee be-  
lieves the information obtained was

highly valuable and fully justified the  
inquiry.

Among the outstanding facts de-  
veloped were the following:

1. The Federal Act relating to Old  
Age Assistance, and the policies of the  
Social Security Act under the Act,  
must be accepted as controlling if  
Texas is to continue to receive Federal  
funds to match State funds for aid to  
the aged.

2. State and Federal witnesses em-  
phasized that the Federal law was de-  
signed to aid only the needy aged and  
not the aged generally. While states  
are allowed to define need, they are  
expected, in actual practice, to follow  
definitions consistent with the purpose  
of the Federal law and acceptable to  
the Federal authorities.

3. Provisions of the Texas law re-  
quiring retroactive payments to per-  
sons applying for assistance before  
July 1 and qualifying later, have been  
nullified so far as the use of Federal  
money is concerned by a ruling of the  
Comptroller General at Washington.

4. A rechecking of cases in which  
assistance has been granted in Texas,  
and more strict inquiry into pending  
applications has been practically or-  
dered by Federal authorities with a  
view to closer application of the rule  
that Old Age Assistance is for the  
needy only. Testimony to this effect  
was given by both State and Federal  
officials. The rechecking is expected  
to reduce the number of names now  
carried on the Assistance rolls while  
closer investigation of pending appli-  
cations is expected to limit the num-  
ber of Assistance grants in the future.

5. Qualifications of investigators  
employed by the Texas Old Age As-  
sistance Commission are practically  
dictated by the Federal authorities. It  
was testified that if we do not require  
our investigators to measure up to  
standards approved at Washington,  
our Assistance funds will not be  
matched by the Federal government.

6. Texas is now attempting to care  
for 33 1/3 per cent of her aged, as  
against an average of 20 per cent  
cared for in other states, and if all ap-  
plicants are added to the roll who are  
likely to qualify under a liberal in-  
terpretation of the state law, Texas  
will be caring for fifty per cent of her  
aged.

7. Congress appropriated \$85,000,-  
000 to match Old Age Assistance



Funds of all of the states for the fiscal year ending June 30, 1937. Of this amount, about \$45,000,000 remains unexpended.

8. The executive director of the Texas Old Age Assistance Commission, Mr. Orville Carpenter, favors restrictions which will confine assistance to the needy only and believes that such restrictions will result in holding the number of names on the assistance rolls to between 70,000 and 80,000. His views, as expressed in the inquiry, are thoroughly in line with the testimony of Federal officials that the purpose of the Federal law is to confine aid to the needy and that State administration of assistance is expected to conform to this purpose.

From these facts the conclusion is irresistible that, unless Texas is prepared to undertake a program of Old Age Assistance without Federal aid, our law on this subject needs revision to bring it strictly in line with the Federal idea of assistance to the needy only. To leave it as it now stands is to subject our administrative officials to the embarrassment of disregarding certain parts of the State law in order to follow practices urged by the Federal officials in obedience to their interpretation of the duties imposed upon them by the Federal law. It is unfair, not only to our state officials but to the people themselves, to retain on our statute books provisions which must be partially ignored in actual practice. It can only mean continual embarrassment to the officials and continual popular discontent."

Board of Managers,

McKINNEY.

THORNTON.

ALEXANDER,

ROBERTS,

CAGLE.

Mr. McConnell offered the following amendment to the above recommendation:

"Amend the report of the Board of Managers of the Committee of the Whole House constituted under Simple Resolution No. 6, by striking out the second paragraph of Section 8, page 2, of said report."

Mr. Gray raised a point of order, on consideration of the amendment, on the ground that the recommendation is not subject to amendment.

The Chairman overruled the point of order.

Mr. Roark raised a point of order, on further consideration of the recommendation, on the ground that there is no authority made in the original resolution for the Board of Managers to make a recommendation to the House.

The Chairman overruled the point of order.

Mr. Fain moved to table the amendment by Mr. McConnell.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Adamson	Hyder
Aikin	Jackson
Alexander	King
Bergman	Leath
Bradford	Lucas
Broyles	McCalla
Burton	McFarland
Butler of Brazos	McKinney
Calvert	Moffett
Collins	Moore
Colquitt	Morris
Cooper	Morrison
Craddock	Morse
Crossley	Nicholson
Daniel	Newton
Davison of Fisher	Olsen
Dickison	Patterson
Dwyer	Payne
England	Reader
Fain	Reed of Dallas
Fisher	Roach of Angelina
Gibson	Roane
Good	Roberts
Graves	Rutta
Greathouse	Settle
Hanna	Stanfield
Hardin	Steward
Harp	Stinson
Harris of Dallas	Tarwater
Hartzog	Thornton
Head	Tillery
Hodges	Venable
Hofheinz	Waggoner
Hoskins	Wells
Howard	Worley
Huddleston	Young

Nays—50

Alsup	Cagle
Ash	Caldwell
Bourne	Canon
Bradbury	Celaya
Bridgers	Davis
Broadfoot	Dunlap of Hays
Butler of Karnes	Farmer



Frazer	Luker
Glass	McConnell
Gray	Palmer
Harris of Archer	Petsch
Herzik	Pope
Hill	Quinn
Hunt	Reed of Bowie
Hunter	Riddle
James	Roach of Hunt
Jones of Falls	Roark
Jones of Shelby	Rogers
Jones of Wise	Smith
Keefe	Stovall
Knetsch	Walker
Lanning	Westfall
Lemens	Wood of Harrison
Lindsey	Wood of Montague
Lotief	Youngblood

## Absent

Adkins	Hankamer
Atchison	Holland
Colson	Jefferson
Cowley	Lange
Davisson	Latham
of Eastland	Mauritz
Dunagan	McKee
Dunlap of Kleberg	Russell
Duvall	Scarborough
Ford	Shofner
Fox	Spears
Fuchs	Tennyson

## Absent—Excused

Jones of Atascosa	Padgett
Leonard	Sessions

Mr. Keefe offered the following amendment to the recommendation:

Amend Report of Board of Managers by striking out all after line ten and substituting in lieu thereof the following:

"One outstanding fact developed by the investigation is that the Federal Government will not allocate any monies to Texas to assist in caring for needy aged, unless there are state funds in the treasury; therefore the Committee of the Whole respectfully recommends to the Members of the House of Representatives that they get down to business and raise immediate cash either by taxes or by transfers from other funds to care for aged needy citizens."

At 12:10 o'clock p. m., Mr. Reader moved that the Committee of the Whole House rise, report progress and asked leave of the House to sit again at 2 o'clock p. m., today.

The motion prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, October 7, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 7, A bill to be entitled "An Act to amend Section 10 and all subdivisions thereunder, of House Bill No. 26, Chapter 472, Acts Second Called Session, Forty-fourth Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## SENATE BILL ON FIRST READING

The following Senate Bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 7, to the Committee on State Affairs.

## RECESS

On motion of Mr. Reader, the House at 12:15 o'clock p. m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by Mr. Latham.

## IN COMMITTEE OF THE WHOLE HOUSE

(Mr. Latham in the Chair.)

At 2 o'clock p. m., Mr. Roark moved that the House resolve itself into a Committee of the Whole House, for the purpose of considering the Committee's recommendation to make to the House, in regard to matters pertaining to Old Age Pensions.

The motion prevailed.

The House accordingly, at 2 o'clock p. m., resolved itself into a Committee of the Whole House.

## IN THE HOUSE

(Mr. Latham in the Chair.)

At 2:40 o'clock p. m., Mr. Latham, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise,



report progress, and recommend the adoption by the House of Representatives of the recommendation of the Board of Managers, as amended by amendment, by Mr. Worley.

The following proceedings were reported:

The Committee resumed consideration of recommendation submitted to the Committee on this morning, with amendment by Mr. Keefe to the recommendation, pending.

Mr. Quinn moved the previous question on the pending amendment, amendment on the Chairman's desk, and the recommendation, and the main question was ordered.

Question recurring on the amendment by Mr. Keefe, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—45

Aikin	Hunter
Alsup	Jones of Shelby
Ash	Jones of Wise
Bradford	Keefe
Bridgers	King
Broadfoot	Knetsch
Broyles	Leath
Butler of Karnes	Lotief
Cagle	Lucas
Cowley	Luker
Daniel	McConnell
Davis	Morris
Dunlap of Hays	Palmer
England	Payne
Fain	Quinn
Fisher	Reed of Bowie
Hardin	Roark
Harper	Smith
Harris of Archer	Spears
Herzik	Wells
Holland	Worley
Huddleston	Youngblood
Hunt	

Nays—64

Adamson	Farmer
Alexander	Fox
Bergman	Frazer
Bourne	Gibson
Bradbury	Glass
Burton	Good
Calvert	Gray
Canon	Greathouse
Collins	Hankamer
Colquitt	Hanna
Cooper	Harris of Dallas
Craddock	Hartzog
Davisson	Hodges
of Eastland	Hofheinz

Hoskins	Roach of Angelina
Hyder	Roane
Jackson	Roberts
James	Rogers
Jones of Falls	Rutta
Lanning	Settle
Mauritz	Steward
McCalla	Stinson
McFarland	Stovall
McKinney	Tennyson
Moffett	Thornton
Moore	Tillery
Morrison	Venable
Morse	Waggoner
Newton	Walker
Nicholson	Westfall
Olsen	Wood of Harrison
Pope	Wood of Montague
Reed of Dallas	

Absent

Adkins	Hill
Atchison	Howard
Butler of Brazos	Jefferson
Caldwell	Latham
Celaya	Lemens
Colson	Lindsey
Crossley	Patterson
Davison of Fisher	Petsch
Dickison	Reader
Dunagan	Riddle
Dunlap of Kleberg	Roach of Hunt
Duvall	Russell
Dwyer	Scarborough
Graves	Tarwater
Head	Young

Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

Mr. Worley offered the following amendment to the recommendation:

"Amend recommendation of the Board of Managers by striking out the last paragraph at the end of such recommendation and substituting therefor the following: "We recommend that the proceedings of the hearing be printed in the House Journal and as such be the report of the Committee of the Whole."

The amendment was adopted.

Question then recurring on the recommendation by the Board of Managers, as amended, yeas and nays were demanded.

The recommendation was adopted by the following vote:



## Yeas—67

Adamson	Jones of Falls
Alexander	King
Alsup	Leath
Bergman	Mauritz
Bradford	McFarland
Bridgers	McKinney
Broadfoot	Moffett
Burton	Moore
Cagle	Morris
Calvert	Morse
Collins	Nicholson
Colquitt	Patterson
Crossley	Reader
Davis	Reed of Dallas
Dunlap of Hays	Roach of Angelina
England	Roane
Fisher	Roberts
Gibson	Rogers
Good	Rutta
Graves	Settle
Gray	Smith
Hankamer	Steward
Hanna	Stinson
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Hill	Venable
Hofheinz	Waggoner
Holland	Walker
Hoskins	Wells
Hunt	Wood of Montague
Jackson	Worley
James	

## Nays—46

Aikin	Keefe
Ash	Knetsch
Bradbury	Lanning
Broyles	Lindsey
Butler of Karnes	Lotief
Canon	Lucas
Cowley	Luker
Craddock	McCalla
Daniel	McConnell
Fain	Morrison
Farmer	Newton
Fox	Olsen
Glass	Palmer
Greathouse	Payne
Hardin	Petsch
Harper	Quinn
Herzik	Reed of Bowie
Hodges	Roark
Howard	Spears
Huddleston	Tillery
Hunter	Westfall
Hyder	Wood of Harrison
Jones of Wise	Youngblood

## Absent

Adkins	Bourne
Atchison	Butler of Brazos

Caldwell	Frazer
Celaya	Jefferson
Colson	Jones of Shelby
Cooper	Latham
Davison of Fisher	Lemens
Davisson	Pope
of Eastland	Riddle
Dickison	Roach of Hunt
Dunagan	Russell
Dunlap of Kleberg	Scarborough
Duvall	Young
Dwyer	

## Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

CONCERNING ADOPTION OF  
RECOMMENDATION OF  
COMMITTEE OF THE  
WHOLE HOUSE

Mr. McKinney moved that the House of Representatives adopt the recommendation of the Committee of the Whole House.

Mr. Fain moved as a substitute motion that the recommendation of the Committee of the Whole House be not adopted, and that the testimony taken in the Committee of the Whole House be printed in the Journal in lieu of any other report.

Question recurring on the substitute motion by Mr. Fain, yeas and nays were demanded.

The substitute motion was adopted by the following vote:

## Yeas—72

Aikin	Fox
Alsup	Glass
Ash	Graves
Atchison	Hanna
Bourne	Hardin
Bradbury	Harper
Bradford	Harris of Archer
Bridgers	Herzik
Broadfoot	Hodges
Broyles	Hofheinz
Butler of Karnes	Huddleston
Canon	Hunt
Craddock	Hunter
Daniel	Hyder
Davis	Jones of Falls
Davisson	Jones of Wise
of Eastland	Keefe
Dunlap of Hays	King
England	Knetsch
Fain	Lanning
Farmer	Leath



Lindsey	Reed of Bowie
Lotief	Roark
Lucas	Rogers
Luker	Rutta
Mauritz	Smith
McConnell	Spears
McFarland	Tarwater
Morris	Tennyson
Morrison	Tillery
Newton	Walker
Olsen	Wells
Palmer	Westfall
Payne	Wood of Montague
Petsch	Worley
Quinn	Youngblood
Reader	

## Nays—45

Adamson	Jackson
Alexander	James
Bergman	McCalla
Burton	McKinney
Cagle	Moffett
Calvert	Moore
Colquitt	Morse
Collins	Nicholson
Cooper	Patterson
Crossley	Pope
Fisher	Reed of Dallas
Frazer	Roach of Angelina
Gibson	Roane
Good	Roberts
Gray	Settle
Greathouse	Steward
Hankamer	Stinson
Harris of Dallas	Stovall
Hartzog	Thornton
Hill	Venable
Holland	Waggoner
Hoskins	Wood of Harrison
Howard	

## Absent

Adkins	Dwyer
Butler of Brazos	Head
Caldwell	Jefferson
Celaya	Jones of Shelby
Colson	Latham
Cowley	Lemens
Davison of Fisher	Riddle
Dickison	Roach of Hunt
Dunagan	Russell
Dunlap of Kleberg	Scarborough
Duvall	Young

## Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

The motion as substituted was then adopted.

Mr. Farmer moved to reconsider the vote by which the substitute motion was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## RELATIVE TO RESOLUTION PERIOD

On motion of Mr. McKinney, the House dispensed with the consideration of resolutions, routine motions, and with the consideration of committee reports, at this time.

## RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 2, Granting Mrs. Annie Allison permission to sue the State.

H. C. R. No. 3, Granting E. A. Schlick, et al, permission to sue the State.

## HOUSE BILL NO. 8 ON SECOND READING

Mr. Frazer moved that the Twenty-four Hour House Rule, relative to the consideration of printed bills, be suspended at this time for the purpose of considering House Bill No. 8.

Question recurring on the motion by Mr. Frazer, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—87

Adamson	Davisson
Aikin	of Eastland
Alexander	Dunagan
Alsup	England
Ash	Fain
Atchison	Fisher
Bergman	Frazer
Bradbury	Gibson
Broyles	Good
Butler of Brazos	Gray
Butler of Karnes	Hankamer
Calvert	Hanna
Canon	Harper
Celaya	Harris of Archer
Collins	Harris of Dallas
Colquitt	Hartzog
Cooper	Head
Cowley	Herzik
Craddock	Hill
Crossley	Hodges



Hoskins	Patterson
Howard	Payne
Hunt	Petsch
Hyder	Pope
Jackson	Quinn
James	Reed of Dallas
Jefferson	Roach of Angelina
Jones of Shelby	Roane
Jones of Wise	Roark
King	Roberts
Lanning	Settle
Latham	Smith
Leath	Spears
Lemens	Steward
Luker	Stinson
McConnell	Tennyson
McCalla	Thornton
McFarland	Tillery
McKinney	Venable
Moffett	Waggoner
Moore	Walker
Morse	Wells
Newton	Wood of Montague
Nicholson	Worley

## Nays—37

Bourne	Keefe
Bradford	Knetsch
Broadfoot	Lindsey
Burton	Lotief
Cagle	Lucas
Daniel	Morris
Davis	Olsen
Dunlap of Hays	Palmer
Dunlap of Kleberg	Reader
Farmer	Reed of Bowie
Fox	Rogers
Glass	Russell
Graves	Rutta
Greathouse	Stovall
Hardin	Tarwater
Hofheinz	Westfall
Huddleston	Wood of Harrison
Hunter	Youngblood
Jones of Falls	

## Absent

Adkins	Holland
Bridgers	Mauritz
Caldwell	Morrison
Colson	Riddle
Davison of Fisher	Roach of Hunt
Dickison	Scarborough
Duvall	Young
Dwyer	

## Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act levying and imposing occupation taxes on certain industries, and public utilities, and natural resources; providing how the moneys, so derived, shall be allocated to the Texas Old Age Assistance Fund; levying an occupation tax on gas, electric light, electric power, or water works, or water and light plants, etc., and declaring an emergency."

The bill was read second time.

Mr. Alexander moved that the House consider the bill section by section and that all amendments to any one section be disposed of before passing to succeeding sections.

The motion prevailed.

Mr. Petsch offered the following amendment to Section I of the bill:

Amend House Bill No. 8, page 2, Section 1 (a) by striking out the provision 4. "On stone 2c per ton of 2,000 pounds."

PETSCH,  
FOX.

On motion of Mr. Frazer, the amendment was tabled.

Mr. Rutta offered the following amendment to Section I of the bill:

Amend House Bill No. 8, page 2, Section 1, lines 31 and 32 by striking out all of said lines 31 and 32.

Mr. Frazer moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Spears offered the following amendment to Section I of the bill:

Amend Section 1, House Bill No. 8, page 2, by adding after line 33, a new line reading as follows:

"On cinnabar ore 10 cents per ton of 2000 pounds."

The amendment was adopted.

Mr. Reader offered the following amendment to Section I of the bill:

Amend House Bill No. 8, by striking out all of line 27, page 2, Section 1 (A).

READER,  
FISHER,  
KEEFE.

Mr. Frazer moved to table the amendment.



The motion to table was lost.  
Question recurring on the amendment, it was adopted.

Mr. Spears offered the following amendment to Section I of the bill:

Amend House Bill No. 8, Section 1, page 2, by adding after line 33, on said page, the following lines:

"On cypress timber 13 cents per thousand feet log scale.

On pine lumber 6 cents per 1000 feet log scale.

On ash and hickory timber 12 cents per 1000 feet log scale.

On cottonwood, red gum, magnolia, oak, and poplar timber 6 cents per 1000 feet log scale.

On tupelo gum, black gum, and sap gum timber 4 cents per 1000 feet log scale.

On all other hard woods 5 cents per 1000 feet log scale.

On turpentine (crude gum) 5 cents per barrel of 400 pounds."

Mr. Quinn moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—66

Aikin	Holland
Alsup	Hoskins
Atchison	Howard
Bergman	Jackson
Bourne	King
Bradbury	Lanning
Bradford	Leath
Broadfoot	Lucas
Broyles	McCalla
Cagle	McConnell
Calvert	McKinney
Celaya	Moffett
Cooper	Moore
Cowley	Morrison
Davison of Fisher	Morse
Dickison	Pope
Duvall	Quinn
Farmer	Reed of Bowie
Fox	Reed of Dallas
Gibson	Roane
Good	Roark
Hankamer	Russell
Hanna	Rutta
Harper	Scarborough
Harris of Dallas	Settle
Hartzog	Smith
Herzik	Stinson
Hill	Tennyson

Thornton  
Tillery  
Venable  
Walker  
Wells

Westfall  
Wood of Harrison  
Wood of Montague  
Young  
Youngblood

#### Nays—54

Adamson	Hunt
Alexander	Hunter
Bridgers	Hyder
Burton	Jefferson
Butler of Brazos	Jones of Shelby
Butler of Karnes	Jones of Wise
Canon	Knetsch
Collins	Lemens
Colquitt	Lindsey
Craddock	Lotief
Crossley	Luker
Daniel	Mauritz
Davis	McFarland
Davisson	Newton
of Eastland	Olsen
Dunlap of Hays	Patterson
Fain	Payne
Fisher	Petsch
Glass	Reader
Graves	Roach of Hunt
Gray	Roberts
Greathouse	Rogers
Hardin	Spears
Harris of Archer	Steward
Head	Stovall
Hodges	Waggoner
Hofheinz	Worley
Huddleston	

#### Absent

Adkins	Jones of Falls
Ash	Keefe
Caldwell	Latham
Colson	Morris
Dunagan	Nicholson
Dunlap of Kleberg	Palmer
Dwyer	Riddle
England	Roach of Angelina
Frazer	Tarwater
James	

#### Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

Mr. Spears offered the following amendment to Section I of the bill:

Amend Section 1, House Bill No. 8, page 2, line 33, by adding thereafter, another line reading as follows:

"On hydrated calcium sulphate, commonly known as Gypsum, composed in whole or in part of any of the following varieties: Selemite,



Satin Spar, Alabaster, Rock Gypsum, or Gypsite, fifteen (15) cents per short ton."

Mr. Moffett moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Alexander	Hill
Alsup	Hofheinz
Ash	Hoskins
Atchison	Howard
Bergman	Jackson
Bourne	James
Bradbury	Jones of Falls
Bradford	King
Broadfoot	Lanning
Broyles	Leath
Butler of Brazos	Lindsey
Butler of Karnes	Lucas
Cagle	McConnell
Caldwell	McKinney
Calvert	Moffett
Canon	Moore
Celaya	Morrison
Collins	Nicholson
Colson	Patterson
Cooper	Pope
Cowley	Quinn
Crossley	Reed of Dallas
Davison of Fisher	Roane
Davisson	Roark
of Eastland	Rogers
Dunlap of Kleberg	Russell
Dwyer	Rutta
England	Scarborough
Fain	Settle
Fisher	Stinson
Fox	Tennyson
Frazer	Thornton
Gibson	Venable
Good	Walker
Hanna	Wells
Harper	Westfall
Harris of Archer	Wood of Harrison
Hartzog	Worley
Herzik	Youngblood

Nays—47

Adamson	Glass
Aikin	Graves
Bridgers	Gray
Burton	Greathouse
Colquitt	Hankamer
Craddock	Hardin
Daniel	Harris of Dallas
Dunlap of Hays	Head
Duvall	Hodges
Farmer	Holland

Huddleston	Newton
Hunter	Olsen
Hyder	Palmer
Jefferson	Payne
Jones of Wise	Reader
Keefe	Reed of Bowie
Knetsch	Roach of Hunt
Lemens	Smith
Lotief	Spears
Luker	Steward
Mauritz	Stovall
McCalla	Tillery
McFarland	Waggoner
Morris	

Present—Not Voting

Davis

Absent

Adkins	Petsch
Dickison	Riddle
Dunagan	Roach of Angelina
Hunt	Roberts
Jones of Shelby	Tarwater
Latham	Wood of Montague
Morse	Young

Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

Mr. Hartzog offered the following amendment to Section I of the bill:

Amend House Bill No. 8, by Mr. Frazer and Mr. James, by striking out all of line No. 33 on page No. 2, in Section No. I (a).

HARTZOG,  
THORNTON.

Mr. Frazer moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

Question—Shall House Bill No. 8 pass to engrossment?

MESSAGE FROM THE GOVERNOR

The Chair laid before the House and had read the following message from the Governor:

Austin, Texas, October 7, 1936.

To the Members of the Forty-fourth Legislature:

With further reference to the subject matter heretofore submitted to you:

"1. To provide further necessary revenue for old age assistance to



persons entitled to same under the provisions of said House Bill No. 26 as passed by the 2nd Called Session of the 44th Legislature."

As you are perhaps aware, since Hon. Frank Bane, executive director of the National Social Security Board appeared before this Legislature, the Federal Government has granted the state's application for matching funds so that the warrants already prepared for October payments by the Old Age Assistance Commission may now go out.

When this Legislature passed House Bill 26 (the Old Age Assistance bill), it made an appropriation of twenty-five million dollars, but, of course, sufficient moneys have not yet been placed in the fund to take care of this appropriation.

It has been pointed out that unless additional cash money is made available immediately, the old age assistance fund will go upon a partial deficit on November 1st, and on a complete deficit for succeeding payments until additional revenues are provided.

It has likewise been pointed out that even if this Legislature passes a revenue bill providing for additional taxes to go into the old age assistance fund, it will be at least ninety days after the close of the session before tax collections will begin to materialize; and if the revenue bill should not receive a two-thirds vote, it will be six months before these tax payments accrue. In the meantime, as stated in my message on the opening day of this session, we cannot afford to issue "hot checks" or warrants to those entitled to old age assistance. Indeed, Mr. Bane, executive director of the National Social Security Board, testified that the Federal Government would not match us unless the cash was actually in the treasury to match Federal funds.

After his testimony I conferred with Mr. Bane and asked him if the Federal Government would match us provided the State authorized payment of interest on its warrants so that the social security board could be assured that applicants would not have to discount their warrants. He told me he felt sure they would do so.

I have heretofore recommended the transfer of other funds to the pension fund to meet the emergency. Whether this will be done remains highly problematical, but, in any event, I recom-

mend as a means "to provide further necessary revenue for old age assistance," the passage of a bill to authorize the Old Age Assistance Commission to pay interest not exceeding five per cent per annum on these warrants; the rate of interest to be fixed by the State Banking Board, which is composed of the Attorney General, the Treasurer and the State Banking Commissioner.

With this in mind, I called a conference with a number of leading bankers from over the state and presented the matter to them. They stated that the checks would be in such small amounts it would not be a paying proposition to the banks; that it would be more trouble than it could possibly be worth to them; but, as a matter of public pride and good citizenship, they were willing to recommend to their respective institutions to cooperate in the matter, provided: first, that they were convinced the plan was legal; and, second, that this Legislature passes revenue bills sufficient to show that the warrants would ultimately be paid. I am thoroughly convinced of the constitutionality of the plan; and, likewise, feel confident this Legislature will pass a revenue bill. I urge you to immediately pass a bill authorizing the payment of interest on these old age assistance warrants.

I am of the opinion that this matter falls within the subject matter already submitted, to-wit:

"To provide further necessary revenue for old age assistance to persons entitled to same under the provisions of said House Bill No. 26 as passed by the 2nd Called Session of the 44th Legislature",

and I, therefore, make this recommendation without submitting any additional subject matter to the Legislature.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Lanning offered the following resolution:

H. C. R. No. 12, To grant Odis Wade permission to sue the State of Texas.

Whereas, About or in the month of April, 1935, Odis Wade owned a stone



residence, located on the East side of State Highway No. 66, in the town of Perrin, in Jack County, Texas, abutting on said highway, which highway at said point was about eighteen inches or two feet higher than the lot on which said residence structure was located; and whereas the barrow pit along the east side of said highway was constructed to carry water from about one-half mile from the North, to a creek some one-fourth mile further South, of said residence, and at and near said residence, there was placed a pipe to carry said waters, installed when said highway was constructed about 13 years prior to the damages hereinafter recited, and which had always been sufficient to drain and take care of all the water coming from above said residence; and whereas the State Highway Maintenance Crew, and other employees of the State Highway Department, on or about the said April, 1935, hauled many loads of dirt and stone, and filled up said barrow pit in front of said residence, and stopped up the end of said drainage pipe so it could not drain the water coming from above, in an attempt to force the water to flow elsewhere; and whereas about July 15th, 1935, there came a heavy rain, while said Odis Wade was away from home, and by reason of the fact that said drainage had been stopped up, the water coming down the east side of said highway through its barrow pit overflowed a large area of land, in that vicinity, including the lot on which this house was located, the water accumulating to a depth of nearly two feet, and flowing through the ventilators in the foundation of said house, and thereby accumulating to a depth of several inches, causing the foundation of said house to settle and crack, causing the back walls of said house to fall in, and the stone around the windows to crack and fall out; the back portion of said house to draw away from the front portion of said house on both the north and south sides, causing the floors throughout the house to warp and twist, the plastering on the walls and ceiling to crack, greatly injuring said house and the value thereof, and causing a large repair bill, causing damages; and whereas the said Odis Wade has not been compensated for such damages to the said property;

Resolved by the House of Representatives, and the Senate concurring,

That the said Odis Wade be and he is hereby granted permission to bring suit against the State of Texas, in a court of competent jurisdiction in Jack County, Texas, in order to determine what compensation, if any, they are entitled to receive by reason of such damages; and in case such suit be filed that service of citation or any other necessary process may be had upon the Chairman of the State Highway Commission, and the Attorney General of Texas, as made and provided for in civil suits, and that appeal may be made to the Court of Civil Appeals and to the Supreme Court as in other civil suits, by either party to said suit.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE.

Mr. Lanning offered the following resolution:

H. C. R. No. 13, To grant Mrs. Virginia Thomas permission to sue the State of Texas.

Whereas, On the 18th of April, 1936, Robert Thomas, about 30 years of age was an employee of the State Highway Department, whose duties required him to be at the Department's Warehouse in Jacksboro, Texas, to inspect and repair, and service the trucks, and road equipment used by said Highway Department upon the highways in Jack County; and

Whereas, On said day, he was in the active discharge of such duties, and while inspecting an asphalt truck, which had been returned to said warehouse, an explosion occurred, which set fire to said warehouse; and on account of the fact that gasoline, and perhaps naphtha and other volatile fluids, and gases and perhaps other inflammable liquids, were in said warehouse, it became instantly an inferno, flames of fire were everywhere; and

Whereas, His son, Bobby Dean, age six years was with his father at the time, and both of said persons caught with fire, and were trapped in said building, or in the yard around said building, which was fenced and the gate to which was locked so that no one could reach them quickly from the



outside, both the father and son, died,—the father being burned to death on the premises and the child dying at the Graham Hospital a few hours later; and

Whereas, Mrs. Virginia Thomas was at said time the wife of Robert Thomas, and the mother of Bobby Dean Thomas, and she has suffered great loss, not only in pain, and suffering, but the great financial loss of support from her husband; and

Whereas, The State Highway Department, nor the State of Texas, can compensate her in any measure:

Resolved by the House of Representatives, and the Senate concurring, That the said Mrs. Virginia Thomas be and she is hereby granted permission to file suit against the State of Texas, in a court of competent jurisdiction in Jack County, Texas, in order to determine what compensation if any, she is entitled to receive by reason of such injuries; and in case suit is filed, that service of citation may be made, and had, or any other necessary process upon the Chairman of the State Highway Commission, and the Attorney General of Texas, as made and provided in civil suits; and that appeal may be had to the higher courts as in other civil suits, by either party to said suit.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Scarborough:

H. B. No. 36, A bill to be entitled "An Act to regulate and license persons engaged in the business or occupation of outdoor advertising and all persons erecting or maintaining or authorizing the erection or maintenance of outdoor advertising signs or structures outside the limits of incorporated cities and towns within a distance of one half mile of State designated highways; to provide for the securing and issuance of permits and fees therefor; to provide for the administration of this Act by the State Highway Commission of the State of

Texas; etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Graves:

H. B. No. 37, A bill to be entitled "An Act authorizing the issuance of interest-bearing warrants to pay old age assistance benefits, making an appropriation, and declaring an emergency."

Referred to the Committee on State Affairs.

#### LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Fuchs was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Davis.

Mr. Jones of Atascosa, was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Davis.

Mr. Davis moved that the House adjourn until 9:00 o'clock a. m., tomorrow.

Mr. Fain moved that the House recess to 9:00 o'clock a. m., tomorrow.

Mr. Palmer moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Colquitt moved that the House recess to 10:00 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Davis to adjourn until 9:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—33

Alsup	Jones of Wise
Bourne	Keefe
Bradbury	Knetsch
Bradford	Lindsey
Broadfoot	Lucas
Cagle	Moffett
Davis	Morris
Farmer	Palmer
Glass	Reader
Gray	Reed of Bowie
Greathouse	Roark
Harper	Spears
Herzik	Tarwater
Hofheinz	Waggoner
Huddleston	Wood of Harrison
Hunter	Youngblood
Jones of Shelby	



## Nays—97

Adamson	Jefferson
Aikin	Jones of Falls
Alexander	King
Ash	Lanning
Atchison	Leath
Bergman	Lemens
Bridgers	Lotief
Broyles	Luker
Burton	Mauritz
Butler of Brazos	McCalla
Butler of Karnes	McConnell
Caldwell	McFarland
Calvert	McKinney
Canon	Moore
Celaya	Morrison
Collins	Newton
Colquitt	Nicholson
Cooper	Olsen
Cowley	Patterson
Craddock	Payne
Crossley	Petsch
Daniel	Pope
Davison of Fisher	Quinn
Dunlap of Hays	Reed of Dallas
Dunlap of Kleberg	Riddle
Duvall	Roach of Angelina
Dwyer	Roach of Hunt
Fain	Roane
Fisher	Roberts
Fox	Rogers
Frazer	Russell
Gibson	Rutta
Good	Scarborough
Graves	Settle
Hankamer	Smith
Hanna	Steward
Hardin	Stinson
Harris of Archer	Stovall
Harris of Dallas	Tennyson
Hartzog	Thornton
Hill	Tillery
Hodges	Venable
Holland	Walker
Hoskins	Wells
Howard	Westfall
Hunt	Wood of Montague
Hyder	Worley
Jackson	Young
James	

## Absent

Adkins	Dunagan
Colson	England
Davisson	Head
of Eastland	Latham
Dickison	Morse

## Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

Mr. Keefe raised a point of order, on further consideration of motions to adjourn, on the ground that no business has been transacted since a motion to adjourn was voted on.

The Chair sustained the point of order.

Question then recurring on the motion by Mr. Fain to recess to 9:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—56

Aikin	King
Alexander	Lanning
Ash	Luker
Bridgers	McConnell
Burton	McFarland
Butler of Brazos	Moffett
Caldwell	Moore
Canon	Morris
Collins	Newton
Cowley	Nicholson
Crossley	Olsen
England	Quinn
Fain	Reed of Dallas
Fisher	Roark
Gibson	Rogers
Graves	Scarborough
Hankamer	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Herzik	Tennyson
Hodges	Tillery
Holland	Venable
Hoskins	Waggoner
Howard	Walker
Hunter	Wells
Jackson	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley

## Nays—70

Adamson	Dunlap of Hays
Alsup	Dunlap of Kleberg
Atchison	Duvall
Bergman	Dwyer
Bradbury	Farmer
Bradford	Fox
Broyles	Frazer
Butler of Karnes	Glass
Cagle	Good
Calvert	Gray
Celaya	Greathouse
Colquitt	Hanna
Cooper	Hardin
Craddock	Hartzog
Daniel	Hofheinz
Davis	Huddleston
Davison of Fisher	Hunt
Davisson	Hyder
of Eastland	James



Jefferson	Pope
Jones of Falls	Reader
Keefe	Reed of Bowie
Knetsch	Riddle
Leath	Roach of Angelina
Lemens	Roach of Hunt
Lindsey	Roane
Lotief	Russell
Lucas	Rutta
Mauritz	Settle
McCalla	Spears
McKinney	Tarwater
Morrison	Thornton
Palmer	Westfall
Patterson	Young
Payne	Youngblood
Petsch	

## Absent

Adkins	Head
Bourne	Hill
Broadfoot	Latham
Colson	Morse
Dickison	Roberts
Dunagan	Smith
Harper	

## Absent—Excused

Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

TO GRANT PERMISSION TO SUE  
THE STATE

Mr. Craddock offered the following resolution:

H. C. R. No. 14, To grant Gertrude Pugh permission to sue the State.

Whereas, On or about the 13th day of May, 1936, one Ernest Pugh, of Mineola, Wood County, an employee of the State Highway Commission of Texas, and while in the service and under the supervision of the said Highway Commission and doing construction work on Highway No. 80, and at a point on said highway about four and one-half miles East from Mineola and in Wood County, did, while attempting to board a moving truck operated and owned by said Highway Commission, slip and fall from said truck in such way and manner that he contacted the pavement with such force as to cause concussion of the brain, an injury which did on or about the 14th day of June, 1936, result in his death; and

Whereas, As a result and incident to such accident and death, his surviving wife and widow, Gertrude

Pugh of Mineola, alleges she has sustained damages and by virtue of such employment the State of Texas and/or the Highway Commission of Texas, or both, are liable for the same; and

Whereas, Under the Constitution and the laws of this State the said Gertrude Pugh is prohibited from filing and maintaining a suit for the purpose of establishing her claim in the absence of permission granted by the Legislature of this State;

Now, therefore, without admitting liability on the part of either or both the State or the Highway Commission, Be it resolved by the House of Representatives, the Senate concurring, That the said Gertrude Pugh of Mineola, Wood County, be and by is permitted to file and prosecute her suit in a court of competent jurisdiction; that she may secure service by citing the Attorney General on the part of the State and by citing either of the Highway Commissioners on the part of the Highway Commission; that the venue be in Wood County; that the procedure shall be governed by the existing rules and regulations as governs other civil cases of a like character; that either party may have the right of appeal from the judgment of the Trial Court; that neither the State nor the Highway Commission shall be required to execute appeal bond; that in event of judgment in favor of the said Gertrude Pugh that a certified copy of the same will be sufficient authority for the Comptroller to issue and the State Treasurer to pay the same out of the State Highway funds of this State.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

Question then recurring on the motion by Mr. Palmer to adjourn until 10:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—42

Alsup  
Bourne  
Bradbury  
Bradford  
Bridgers  
Cagle  
Calvert  
Daniel

Davis  
Davison of Fisher  
England  
Farmer  
Fox  
Glass  
Gray  
Hardin



Harper	Palmer
Herzik	Patterson
Hofheinz	Petsch
Huddleston	Reader
Hunt	Reed of Bowie
Jones of Shelby	Roach of Hunt
Jones of Wise	Roark
Keefe	Spears
Knetsch	Venable
Lindsey	Waggoner
Lucas	Westfall
Morris	Wood of Harrison
Olsen	Youngblood

Nays—88

Adamson	James
Aikin	Jefferson
Alexander	Jones of Falls
Ash	King
Atchison	Lanning
Bergman	Leath
Broadfoot	Lemens
Broyles	Lotief
Burton	Luker
Butler of Brazos	Mauritz
Butler of Karnes	McCalla
Caldwell	McConnell
Canon	McFarland
Celaya	McKinney
Collins	Moffett
Colquitt	Moore
Cooper	Morrison
Cowley	Newton
Craddock	Nicholson
Crossley	Payne
Davisson	Pope
of Eastland	Quinn
Dunlap of Hays	Reed of Dallas
Dunlap of Kleberg	Riddle
Duvall	Roach of Angelina
Dwyer	Roane
Fain	Roberts
Fisher	Rogers
Frazer	Russell
Gibson	Rutta
Good	Scarborough
Graves	Settle
Greathouse	Steward
Hankamer	Stinson
Hanna	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Tennyson
Hartzog	Thornton
Hill	Tillery
Hodges	Walker
Holland	Wells
Howard	Wood of Montague
Hunter	Worley
Hyder	Young
Jackson	

Absent

Adkins	Dickison
Colson	Dunagan

Head	Morse
Hoskins	Smith
Latham	
Absent—Excused	
Ford	McKee
Fuchs	Padgett
Jones of Atascosa	Sessions
Lange	Shofner
Leonard	Stanfield

Question then recurring on the motion by Mr. Colquitt that the House recess to 10:00 o'clock a. m., tomorrow, it prevailed, and the House accordingly, at 5:15 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The Committee on Revenue and Taxation filed a favorable report on House Bill No. 2.

The Committee on Highways and Motor Traffic, on yesterday, filed a favorable report on Senate Concurrent Resolution No. 4.

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, October 6, 1936.  
Hon Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 11, A bill to be entitled "An Act to create an Unemployment Insurance System for the State of Texas; creating an Unemployment Compensation Fund; providing for collections, deposits, and investments of such funds; providing for withdrawals; providing for custody, and management of such funds in certain contingencies; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, October 6, 1936.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred



H. C. R. No. 2, Granting Mrs. Annie Allison permission to bring suit against the State of Texas.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, October 6, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 3, Granting E. A. Schlick, et al., permission to sue the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

## EIGHTH DAY

(Continued)

(Thursday, October 8, 1936.)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Stevenson.

### RELATIVE TO CERTAIN ROAD BONDS

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 4, Relative to certain road bonds.

The resolution having heretofore been read second time and referred to the Committee on Highways and Motor Traffic.

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

Mr. Stinson offered the following substitute for the resolution:

Whereas, The Legislature of the State of Texas, in Chapter 13, Acts of 1932, of the Third Called Session of the Forty-second Legislature and Chapter 136, Acts of 1933 of the Forty-third Legislature of Texas, Regular Session, provides, among other things, for the payment by the State Treasurer of the interest and sinking funds due on county road bonds which have been issued for the construction of roads that are a part of the State Highway System and which are eligible to participate in

the County and Road District Highway Fund, but said Acts do not, in express terms, authorize the State Treasurer to receive from the several counties of the State and pay to the holders of the county road bonds which are not eligible to participate in the County and Road District Highway Fund, the interest and sinking funds due thereon; and

Whereas, The question has been raised as to whether or not the State Treasurer can lawfully receive from the several counties of the State and thereafter pay out the interest and sinking funds due on such county and district road bonds which are not eligible to participate in the County and Road District Highway Fund, and the Comptroller issue warrants for the payment of the interest and sinking funds due thereon; and

Whereas, It was the intention of the Legislature in the passage of said bills to authorize the State Treasurer to act as ex-officio treasurer of the several counties of the State in the receipt from such counties of the interest and sinking funds due on such bonds of the several counties and thereafter pay out such funds to the holders of such county road bonds which are not eligible to participate in the County and Road District Highway Fund, and it was further the purpose of the Legislature in the enactment of said bills to authorize the State Treasurer to pay such funds upon the warrants issued by the State Comptroller as provided in said Acts, in the same manner as is provided for the payment of such interest and sinking funds upon such county road bonds which are eligible to participate in the County and Road District Highway Fund; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it was the intention of the Legislature of the State of Texas in enacting said above named Acts to authorize and empower the Treasurer of the State of Texas to act as ex-officio treasurer of such respective county and road districts in the payment of the interest and sinking funds due by the several counties of the State upon such county road bonds which are not eligible to participate in the County and Road District Highway Fund, and to receive from the respective counties the sums of money due by such respective counties for the payment of such interest and sink-